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**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF ARIZONA**  
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9 Estate of Ellen Black,

10 Plaintiff,

11 v.

12 Projecthindsight.com, et al.,

13 Defendants.

No. CV-23-02475-PHX-ROS

**ORDER**

15 Plaintiff, the estate of the owner of a business known as “Project Hindsight” filed  
16 this case on November 28, 2023 seeking to recover the misappropriated internet domain  
17 name ProjectHindsight.com (the “Domain Name”) (Doc. 1). Plaintiff has now filed an Ex  
18 Parte Motion for Early Discovery seeking leave to pursue discovery from GoDaddy.com  
19 LLC and Network Solutions LLC—the two domain registrars involved in the alleged  
20 misappropriation—to identify the individual Defendant named as John Doe (Doc. 6).

21 Federal Rule of Civil Procedure 26(d)(1) allows courts to authorize early discovery  
22 for good cause. Where a plaintiff requests early discovery “to identify anonymous internet  
23 users named as Doe defendants,” courts consider whether (1) the plaintiff can identify the  
24 party with “sufficient specificity” for the Court to determine the defendant is a person or  
25 entity subject to federal court jurisdiction; (2) the plaintiff has identified all previous  
26 attempts to locate the defendant; (3) the complaint could withstand a motion to dismiss;  
27 and (4) the plaintiff has shown a reasonable likelihood of identifying the defendant to  
28 enable service of process. *Third Degree Films, Inc. v. Does 1-131*, 280 F.R.D. 493, 499

1 (D. Ariz. 2012) (internal citation omitted).

2 Plaintiff has shown good cause for early discovery. As to factors (1) and (4),  
 3 Plaintiff explains Defendant John Doe would have been required to “identify themselves,  
 4 establish accounts, provide contact information for making and receiving payments, and to  
 5 send and receive emails,” and the “registrars are required to maintain records of  
 6 communications conducted with customers . . . and to verify the contact information  
 7 provided to them.” (Doc. 6 at 5). This information, according to Plaintiff, “is likely to be  
 8 highly reliable, as payment to renew the Domain Name by an additional year was processed  
 9 by GoDaddy, and payment to the illicit seller of the Domain Name was made by  
 10 GoDaddy.” *Id.* The Court agrees. Plaintiff’s requested discovery is reasonably likely to  
 11 identify Defendant John Doe to enable service of process and with sufficient specificity for  
 12 the Court to determine jurisdictional facts.

13 For factor (2), Plaintiff details its previous attempts to obtain Defendant John Doe’s  
 14 contact information from both Network Solutions and GoDaddy and through public  
 15 registration data. *Id.* Neither registrar provided the contact information on Plaintiff’s  
 16 request and the public registration data for the website are masked by proxy. *Id.* Plaintiff  
 17 has adequately detailed its previous attempts to locate Defendant John Doe demonstrating  
 18 a good faith effort to identify the anonymous defendant. *See Columbia Ins. Co. v.*  
 19 *seescandy.com*, 185 F.R.D. 573, 579 (N.D. Cal. 1999).

20 Finally, for factor (3), Plaintiff has demonstrated its complaint is likely to survive a  
 21 motion to dismiss. Plaintiff’s complaint alleges misappropriation of the Domain Name and  
 22 a violation of the Anti-Cybersquatting Consumer Protection Act. (Doc. 1). Plaintiff has  
 23 adequately shown, at this stage, “that an act giving rise to civil liability actually occurred  
 24 and that the discovery is aimed at revealing specific identifying features of the person or  
 25 entity who committed that act.” *Columbia Ins. Co.*, 185 F.R.D. at 580.

26 Plaintiff has demonstrated good cause for early discovery.

27 Accordingly,

28 ...

1           **IT IS ORDERED** Plaintiff's Motion for Early Discovery (Doc. 6) is **GRANTED**.  
2 Plaintiff may serve subpoenas on GoDaddy.com LLC and Network Solutions LLC for the  
3 limited purpose of identifying Defendant John Doe.

4           Dated this 11th day of January, 2024.

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Honorable Roslyn O. Silver  
Senior United States District Judge